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ETHIOPIA: OPPOSITION FIGURES HELD WITHOUT CHARGE

Police Deny Lawyers, Relatives Access; Ignore Bail Orders

(Nairobi) –Ethiopian authorities have been detaining dozens of opposition members and journalists for prolonged periods and often without charge since late June 2020, raising serious rights concerns.

A month after one of the most violent spates of unrest in the country’s recent history, police and prosecutors need to publicly account for all detainees’ whereabouts, comply promptly and fully with court bail orders, and ensure easy and regular access to lawyers and relatives for those not released.

“The actions of Ethiopia’s investigative authorities raise concerns that they have not moved on from past practices of arresting first, and investigating later,” said Laetitia Bader, Horn of Africa director at Human Rights Watch. “The authorities should promptly bring credible charges based on clear facts and evidence against the detainees or ensure their release.”

The arrests follow the June 29 killing of a popular Oromo artist and activist, Hachalu Hundessa, in Addis Ababa, the capital. Hachalu’s death triggered unrest and violence in several towns, particularly in the Oromia region, and left at least 178 people dead from both civilians and law enforcement. Some were mourners and protesters, killed by security forces when they opened lethal fire. Attacks on mainly ethnic and religious minority communities in Oromia also resulted in killings, massive property destruction, and displacement.

On June 30, security forces in Addis Ababa arrested Oromo Federalist Congress leaders Jawar Mohammed and Bekele Gerba, and Balderas Party figures Eskinder Nega and Sintayehu Chekol for their alleged involvement in the violence. The police have since arrested over 9,000 people, including government officials, many outside of Addis Ababa in the surrounding Oromia region, where independent monitoring of hearings and investigations is more limited.

The authorities detained government critics across the political spectrum, including Lammi Begna of the Oromo Liberation Front, whose whereabouts remained unknown for several weeks; Lidetu Ayalew, founding member of the Ethiopian Democratic Party; and officials from the former ruling Tigrayan People’s Liberation Front, such as Tewelde Gebre Tsadikan and Berihu Tsigie.

The police also arrested journalists representing various media outlets, including a Kenyan journalist, Yassin Juma; Guyo Wario and Melesse Direbssa from the Oromia Media Network; and most recently, on August 6, Belay Manaye and Mulugeta Anberbir from the Amharic language outlet Asrat Media.

The latest bout of violence reflects deeper socio-political tensions, which continued to build after the government’s decision to delay anticipated national elections due to Covid-19. The authorities have now accused many opposition politicians of involvement in the unrest and of allegedly directing or inciting violence, including ethnic violence.

Federal and regional officials blamed people acting on the orders of a breakaway armed group, the Oromo Liberation Army, for Hachalu’s killing. They accused the Tigrayan People’s Liberation

Front of coordinating the killing and the violence that followed, and a regional official accused the Balderas party for involvement in unrest in Addis Ababa.

In media reports, officials accused several media outlets, including the Oromia Media Network, of broadcasting polarizing content during the unrest. Authorities opened investigations into and closed the Oromia Media Network's Addis Ababa offices in early July. They have since alleged that the network and Asrat media broadcasts incited communal violence.

Given the gravity of the abuses and crimes during the week of June 29, Ethiopian authorities are responsible for thoroughly investigating and identifying those responsible. But their response should not undermine defendants' presumption of innocence, run roughshod over detainees' rights, nor restrict legitimate critical dissent, Human Rights Watch said.

Human Rights Watch interviews with lawyers, relatives, and people released from detention found that detentions and investigations have been marred by serious due process violations.

Oromia police authorities withheld the whereabouts of several Oromo Liberation Front members from their lawyers and relatives for over a month and denied access to both even after lawyers discovered where they were held, Human Rights Watch found. Refusal to disclose the whereabouts or fate of someone in detention constitutes an enforced disappearance, a serious violation of human rights, a crime under international law, and prohibited in all circumstances.

As of August 14, lawyers still could not meet with Lammi or another party official, Dawit Abdeta. Lawyers representing Chaltu Takele, a political activist arrested in early July, said they met with her for the first-time in federal court around July 20, weeks after her arrest.

Preventing detainees from communicating with families or promptly consulting with a lawyer may place the detainees at greater risk of abuse in detention and undermines their right to a fair trial, Human Rights Watch said.

Human Rights Watch reached out to the office of the federal attorney general for a response to allegations that detainees had not been allowed communicate with lawyers and family, the office responded acknowledging that communications between suspects detained at temporary police detention centers, such as schools, and their family and lawyers and suspects arrested had been limited. But they claimed that detainees held at police stations did not face the same problem. This is not consistent with the facts that Human Rights Watch has determined in many cases.

Though credible and thorough investigations into complex abuses and events take time, Human Rights Watch believes that in several cases police authorities sought to stretch or ignore legal requirements to prolong suspects detentions beyond what was justified by law. For example, they repeatedly appealed or seemed to ignore bail orders, requested more time to investigate, or transferred suspects between police authorities, some with overlapping jurisdictions, without informing relatives or counsel.

In response to Human Rights Watch inquiries, the office of the federal attorney general said that criminal investigations could move between various authorities depending on the location or nature of the crime, but did not comment on how this may affect the time a person spends in custody.

Chaltu's lawyers and relatives said that federal authorities ignored a July 28 court bail order and transferred her to Oromia police custody. For over a week, regional police denied her access to lawyers and family, including her baby. Chaltu was eventually taken before Sululta district court in Oromia, where regional investigators accused her of the same offenses cited by federal authorities. Chaltu was finally released on August 11.

Under Ethiopian criminal law, courts can consider appeals against bail orders, and the federal attorney general's office told Human Rights Watch that a detainee could stay in detention during that appeal. However, Human Rights Watch was told of cases in which police investigators also ignored court decisions denying appeals.

Federal and Addis Ababa police investigators appealed a federal court bail order to release Berihiu, Tewelde, and three other detained Tigrayan People's Liberation Front officials on July 30. Police then ignored a higher court decision rejecting the appeal and transferred them to a detention site at a primary school. Relatives and lawyers said that federal authorities still have them in custody, without a court order, and are seeking to open a new investigation based on the same accusations and evidence.

On August 5, federal police similarly ignored a bail order to release journalists Melesse and Yassin. On August 11, federal police transferred Yassin to Addis Ababa police custody where they accused him of the same allegations.

Defense lawyers expressed concern that courts granted repeated remand requests, even though investigators lacked new evidence. After Jawar, Bekele, Eskinder, Sintayehu, and Aster Seyoum spent a month in detention, the attorney general opened a preliminary inquiry in their case, a process which allows the prosecutor to proceed with a case before a decision to proceed to a full trial is taken, and can continue to keep accused in custody on remand.

Detainees have been kept at different sites where they face increased risks of contracting Covid-19 in detention. Relatives, lawyers, and those released said that several security guards and detainees, including Dejene Tafa, a senior Oromo Federalist Congress member, and Yassin reportedly tested positive for the virus that causes Covid-19.

At a time when international and global health experts are urging governments to reduce overcrowding in jails to tackle Covid-19, practices that lengthen the pre-trial period, are particularly problematic and ignore Ethiopia's own commitments, Human Rights Watch said.

In the last decade, Human Rights Watch and other domestic and international human rights organizations have documented arbitrary arrests and politically motivated prosecutions to stifle dissent in Ethiopia.

Ethiopia has domestic and international legal obligations to protect basic rights, including the rights to be free from arbitrary detention, and if lawfully detained, provided with humane treatment and conditions, and guaranteed a fair trial. The authorities should only bring charges for recognizable crimes and where there is sufficient evidence to proceed to trial. Those detained should be informed of the specific grounds for their arrest, be able to fairly contest their detention before an independent and impartial judge, be permitted access to a lawyer and family members, and have their case periodically reviewed.

“Communities reeling from the recent violence deserve meaningful justice,” Bader said. “Entrusted with this responsibility, the government needs to show that it is both doing the hard work of bringing those responsible to account and that it can adhere to the rule of law by conducting credible and thorough investigations while still upholding the rights of those accused of serious offenses.”